



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Miyoshi et al.

Atty. Dkt.: 26H-007

Serial No.: 10/829,254

Art Unit: 3753

Filed: 4/22/2004

Examiner: LEE, Kevin L

Title: APPARATUS FOR INHIBITING
FUELS FROM FLOWING OUT OF FUEL
TANKS

Issue Fee Paid: January 17, 2006

Confirmation No.: 7239

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Petition

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a)

Sir:

This petition is being filed pursuant to 37 C.F.R. §1.48(a) to correct the inventorship of the above-identified application.

In particular, pursuant to 37 C.F.R. 1.48(a)(1), it is submitted that the inventorship originally set forth in the executed declaration signed by claimed inventors Keiji Miyoshi Norihiro Yamada, Keisuke Yoshida and Tomohide Aoki dated April 12, 2004 was incomplete, and that the addition of fifth inventor Koji Miwa is necessary in order to accurately reflect the inventorship of the subject matter being claimed.

The error in inventorship occurred without deceptive intent by Koji Miwa. A Statement Under Rule 1.48(a)(2) executed by Mr. Miwa that evidences his lack of deceptive intent in being initially omitted as a named inventor, as well as a Supplemental Declaration executed by all inventors pursuant to 37 C.F.R. 1.48(a)(3), are included with this Petition.

In addition, pursuant to 37 C.F.R. 1.48(a)(5), a Statement Under 37 CFR 3.73(b), in which TOYODA GOSEI CO., LTD. (the original assignee of all rights in the present application in an original assignment executed by Keiji Miyoshi Norihiro Yamada, Keisuke Yoshida and Tomohide Aoki) consents to the addition of Mr. Miwa as an inventor in the above application, is attached.

Pursuant to 37 C.F.R. 1.48(a)(4), the required fee of \$130.00 as set forth in 37 C.F.R. §1.17(i) is enclosed herewith by check. Any further charges may be charged to Deposit Account 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701
Customer No. 23400

DGP/moa
Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191
(703) 707-9110

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: **TOYODA GOSEI CO., LTD.**Application No./Patent No. **10/829,254** Filed/Issue Date: **April 22, 2004**Entitled: **APPARATUS FOR INHIBITING FUELS FROM FLOWING OUT OF FUEL TANKS**

TOYODA GOSEI CO., LTD., a **Corporation**
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. An assignment from the Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel **015257**, frame **0363**, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee, and consents on behalf of the assignee to the addition of Mr. Koji MIWA as an inventor in the above-identified pending application.

Feb. 27, 2006
Date

Katsuhiko NAKAYAMA

Typed or printed name

Katsuhiko Nakayama
Signature

General Manager, Intellectual Property Division

Title



Supplemental Declaration and Power of Attorney for Patent Application

特許出願宣誓書及び委任状 Japanese Language Declaration 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。 As a below named inventor, I hereby declare that:

私の住所、郵便住所、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して特許請求の範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者(下記の氏名が一つの場合)もしくは最初かつ共同発明者であると(下記の名称が複数の場合)信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPARATUS FOR INHIBITING FUELS FROM FLOWING OUT OF FUEL TANKS

上記発明の明細書(下記の欄で×印がついていない場合は、本書に添付)は、

the specification of which is attached hereto unless the following box is checked:

に提出され、米国出願番号またはPCT国際出願番号を とし、(該当する場合) に補正されました。

was filed on April 22, 2004 as United States Application Number or PCT International Application Number 10/829, 254 and was amended on _____ (if applicable).

私は、特許請求範囲を含む上記補正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1.56項に規定されるとおり、特許性の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

私は、以下に記載する特許もしくは発明者証の外国出願について米国法典第35編119条(a)-(d)項又は365条(b)項に基づく外国優先権を、又は以下に記載する米国以外の国の少なくとも一ヵ国を指定しているPCT国際出願について米国法典第35編365(a)項に基づく外国優先権をここに主張するとともに、優先権を主張している本出願の前に出願された特許もしくは発明者証の外国出願又はPCT国際出願を、枠内をマークすることで以下に示します。

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Japanese Language Declaration
(日本語宣言書)

DGP

Prior Foreign Application(s)

外国での先行出願

1. 2003-121783

JAPAN

25/April/2003

Priority Not Claimed
(優先権主張なし)

(Number)	(番号)	(Country)	(国名)	(Day/Month/Year Filed)	(出願年月日)	<input type="checkbox"/>
2.						<input type="checkbox"/>
3.						<input type="checkbox"/>
4.						<input type="checkbox"/>
5.						<input type="checkbox"/>
6.						<input type="checkbox"/>
7.						<input type="checkbox"/>

Additional Foreign Application(s) is (are) listed on the attached sheet which is incorporated herein by reference.

私は、下記の米国仮特許出願について第35編米国法典19条(e)項に基づく権利をここに主張いたします。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (Filing Date)
(出願番号) (出願日)

(Application No.) (Filing Date)
(出願番号) (出願日)

私は、下記の米国特許出願について米国法典第35編120条に基づく権利、又は米国を指定している下記のPCT国際出願について米国法典第35編365条(c)に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1段で規定された方法で先行する米国特許出願又はPCT国際出願に開示されていない限り、その先行出願の出願日以降で当該国内出願又はPCT国際出願の出願日までの期間中に入手された、連邦規則法典第37編1.56項で定義された特許性の有無に関する重要な情報について開示義務があることを認識しています。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

Application No. Filing Date
(出願番号) (出願日)

Status : Patented, Pending, Abandoned
(現況) (特許許可済)、(係属中)、(放棄済)

Japanese Language Declaration
(日本語宣言書)

DGP

私は、私自身の知識に基いて本宣言書中で私が行う表明が真実であり、かつ私の入手した情報と私の信じるところに基く表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基き、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

委任状： 私は下記の発明者として、本出願に関する一切の手続を米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。（弁護士、または代理人の氏名及び登録番号を明記のこと）

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

書類送付先： (Send Correspondence to) PTO Customer No. 23400
Posz Law Group, PLC

唯一または第一発明者 (Full name of sole or first inventor): Keiji MIYOSHI	
発明者の署名 (Inventor's Signature)	
Keiji Miyoshi	
日付 (Date) :	02/28/2006
住所 (Residence) :	Nishikasugai-gun, Aichi-ken, Japan
国籍 (Citizenship) :	Japan
郵便住所 (Post Office Address): c/o TOYODA GOSEI CO., LTD. 1, Aza Nagata, Oaza Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564 Japan	

Additional Inventor(s) is (are) listed on the attached sheet which is incorporated herein by reference.

Japanese Language Declaration
(日本語宣言書)

DGP

第二共同発明者 (Full name of second Joint Inventor) : Norihiro YAMADA

発明者の署名 (Inventor's Signature)

Norihiro Yamada

日付 (Date) : 2/28/2006

住所 (Residence) : Nishikasugai-gun, Aichi-ken, Japan

国籍 (Citizenship) : Japan

郵便住所 (Post Office Address) : c/o TOYODA GOSEI CO., LTD.

1, Aza Nagata, Oaza Ochitai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564 Japan

? Additional Inventor(s) is (are) listed on the attached sheet which is incorporated herein by reference.

Japanese Language Declaration
(日本語宣言書)

DGP

第三共同発明者 (Full name of third joint inventor) : Keisuke YOSHIDA	
発明者の署名 (Inventor's Signature)	
Keisuke Toshida	
日付 (Date) :	02/27/2006
住所 (Residence) :	Nishikasugai-gun, Aichi-ken, Japan
国籍 (Citizenship) :	Japan
郵便住所 (Post Office Address) : c/o TOYODA GOSEI CO., LTD. 1, Aza Nagata, Oaza Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564 Japan	

? Additional Inventor(s) is (are) listed on the attached sheet which is incorporated herein by reference.

Japanese Language Declaration
(日本語宣言書)

DGP

第四共同発明者 (Full name of fourth joint inventor) : Tomohide AOKI

発明者の署名 (Inventor's Signature)

Tomohide Aoki

日付 (Date) : 2/28/2006

住所 (Residence) : Nishikasugai-gun, Aichi-ken, Japan

国籍 (Citizenship) : Japan

郵便住所 (Post Office Address) : c/o TOYODA GOSEI CO., LTD.
1, Aza Nagata, Oaza Ochiai, Haruhi-cho, Nishikasugai-gun, Aichi-ken, 452-8564 Japan

? Additional Inventor(s) is (are) listed on the attached sheet which is incorporated herein by reference.

Japanese Language Declaration
(日本語宣言書)

DGP

第五共同発明者 (Full name of fifth joint inventor): **Koji MIWA**

発明者の署名 (Inventor's Signature)

Koji Miwa

日付 (Date): *February 28, 2006*

住所 (Residence): **Toyota-shi, Aichi-ken Japan**

国籍 (Citizenship): **Japan**

郵便住所 (Post Office Address): **c/o TOYOTA JIDOSHA KABUSHIKI KAISHA
1, Toyota-cho, Toyota-shi, Aichi-ken, 471-8571, Japan**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Miyoshi et al.	Atty. Dkt.: 26H-007
Serial No.: 10/829,254	Art Unit: 3753
Filed: 4/22/2004	Examiner: LEE, Kevin L
Title: APPARATUS FOR INHIBITING FUELS FROM FLOWING OUT OF FUEL TANKS	Allowed: October 20, 2005
	Confirmation No.: 7239

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 1.48(a)(2)

Sir:

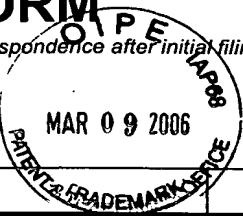
I, Koji MIWA, hereby state that I was originally omitted as a named inventor in the above identified pending U.S. patent application, and that such error in inventorship occurred without deceptive intention on my part.

Date: February 28, 2006

By: *Koji Miwa*
Koji MIWA

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)



Application Number	10/829,254
Filing Date	April 22, 2004
First Named Inventor	MIYOSHI et al.
Group Art Unit	3753
Examiner Name	LEE, Kevin L
Attorney Docket Number	26H-007

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <ul style="list-style-type: none"> <input type="checkbox"/> Petition to Correct Inventorship under 37 CFR 1.48(a) <input type="checkbox"/> Supplemental Declaration <input type="checkbox"/> Statement under 37 CFR 1.48(a)(2) <input type="checkbox"/> Statement under 37 CFR 3.73(b) 		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Posz Law Group, PLC David G. Posz, Reg. No. 37,701
Signature	
Date	March 9, 2006



Effective on 12/8/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 170)

Complete if Known	
Application Number	10/829,254
Filing Date	April 22, 2004
First Named Inventor	MIYOSHI et al.
Examiner Name	LEE, Kevin L
Art Unit	3753
Attorney Docket No.	26H-007

METHOD OF PAYMENT (check all that apply)

<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>50-1147</u>	Deposit Account Name: <u>Posz Law Group, PLC</u>		
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charges fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	\$0
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	\$50	\$0		

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	\$200	\$0		

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$ (\$ for small entity)

for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		\$0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Fee for Petitions to the Commissioner (\$130) & Assignment Recordation Fee (\$40) \$170

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,701	Telephone (703) 707-9110
Name (Print/Type)	DAVID G. POSZ		Date March 9, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.